

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

BRUNO CHOINIERE,

Plaintiff,

v.

S. CITCHEN, ROBIN WILSON, MOODY,  
IRIS D. GUIDRY, ARTURO AVILES,  
C. EICHENLAUB, DIRECTOR OF  
FEDERAL BUREAU OF PRISONS,  
TIFFANY WILSON, V. TOKARZ,

Defendants.

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Case Number 08-14853  
Honorable Thomas L. Ludington  
Magistrate Judge R. Steven Whalen

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING  
PLAINTIFF'S "MOTION FOR ISSUANCE OF COURT OFFICIAL NOTICE TO  
DEFENDANTS . . ."**

This matter is before the Court on a report and recommendation [Dkt # 32] issued by Magistrate Judge R. Steven Whalen on July 2, 2009. The magistrate judge recommends that the Court deny Plaintiff's "motion for issuance of court official notice to Defendants . . ." [Dkt. # 8] because there is no legal basis for the relief that Plaintiff seeks. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court, however, agrees with the report and recommendation of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt

# 32] is **ADOPTED**.

It is further **ORDERED** that Plaintiff's "motion for issuance of court official notice to Defendants . . ." [Dkt. # 8] is **DENIED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: July 31, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 31, 2009.

s/Tracy A. Jacobs  
TRACY A. JACOBS